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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
David McElroy, et al.

Serial No.: 09/801,261

Filed: March 7, 2001

For: HOMOLOGOUS RECOMBINATION-  
MEDIATED TRANSGENE  
ALTERATIONS IN PLANTS

Group Art Unit: 1638

Examiner: Fox, David T.

Atty. Dkt. No.: DEKM:186US

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August 2, 2002

Date

Robert E. Hanson

**REQUEST FOR EXTENSION OF TIME; AND RESPONSE TO RESTRICTION  
REQUIREMENT DATED JUNE 5, 2002**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction Requirement dated June 5, 2002 for which the date for response is August 5, 2002, by virtue of the Request for Extension of Time below. Reconsideration of the application is respectfully requested.

**REQUEST FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of one month to and including August 5, 2002, in which to respond to the Restriction Requirement dated June 5, 2002. Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$110.00 is enclosed,

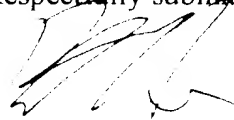
which is the process fee for a one-month extension of time. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10201644/DEKM:186US.

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement dated June 5, 2002, Applicant elects, without traverse, to prosecute claims 2, 8-21, and 28-29, *i.e.*, the Group II claims. Applicants reserve the right to file continuing applications directed to the non-elected subject matter.

The Examiner is invited to contact the undersigned Agent (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628

Attorney for Applicant

FULBRIGHT & JAWORSKI, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3085

Date: August 2, 2002